IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 22946 of 2005

Between:

1.Sri M. Jagannadha Vasudevaswamy,

S/o M.V. Narasimha Charyulu
2. M. Sesha Prakash S/o Narasimha Charyulu
3. M. Narasimha Kumar S/o Narasimha Charylulu

..... PETITIONERS

AND

1. The Deputy Commissioner, Endowments Department,

Kakinada
2. The Assistant Commissioner, Endowments Department,

Rajahmundry
3. Sri. Venkateswara Swamy Temple, represented by Manager,

Vadapalli, East Godavari District
4. M.V.G. Krishnamacharyulu S/o Jagannadha Charyulu,

R/o Sri Puram Colony, Malakpet, Hyderabad
5. P. Rajya Lakshmi W/o Kondamacharyulu Krupam Market,

Visakhapatnam
6. N. Lakshmi Tayuru W/o Satyanarayanacharyulu,

R/o Sanathnagar, Hyderabad

.....RESPONDENTS

The Court made the following:

ORDER:

Questioning the action of the respondents in attaching the equipment and furniture of the petitioner through Panchanama dated 02.09.2004 for realisation of an amount of Rs.4,07,131/- from M/s. Service Links International Limited, the present writ petition has been filed.

The grievance of the petitioner is that the respondents, without passing any orders under the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short 'the Act'), illegally raised a demand for payment of Rs.4,07,131/- towards arrears of Provident Fund contribution from April, 2001 to April, 2002, and for realisation of the said amount from the petitioner, the recovery officer of the second respondent suddenly came to the premises of the petitioner on 2.9.2004 and conducted panchayanama and attached all the movables of the petitioner. The petitioner submitted a detailed representation on 7.9.2004 requesting the respondents to release the seized articles. But, no action has been taken by the respondents so far. Challenging the same, the present writ petition has been filed.

A counter has been filed by the respondents stating that the impugned order is a recovery proceedings, which is only consequential in nature. It is also stated that no writ petition lies against the impugned order unless the substantial order passed under Section 7(A) of the Act is questioned. An alternative remedy of appeal is available to the petitioner under Section 7(1) of the Act. But, the petitioner has not availed the said remedy.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

Having regard to the fact that since the order impugned is only a consequential recovery proceedings pursuant to the order passed under Section 7 (A) of the Act, I am not inclined to entertain this writ petition. Therefore, the writ petition is

devoid of merits and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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(V. ESWARAIAH, J)

Date: 08.12.2005

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